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Palo Alto, CA 94304-1050

In re Application of  
Hainfeld  
Application No. 10/658,609  
Patent No. 7,183,072  
Filed: Sept. 8, 2003  
Attorney Docket No. 6270-705.501

**COPY MAILED**

**AUG 20 2007**

**OFFICE OF PETITIONS**

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: DECISION DISMISSING PETITION  
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This decision is in response to applicant's "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT AND APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705" timely<sup>1</sup> filed on May 11, 2007 requesting that the Office adjust the patent term adjustment from a determination of three hundred and fourteen (314) days to a determination of three hundred and fifteen (315) days.

Applicant's PTA application is **DISMISSED**.

Applicant argues that the Office's reduction of 19 days for the submission of a 312-amendment is in error. Applicant believes that the proper reduction for the submission of the 312-amendment is 18 days rather than the Office assessed amount of 19 days. Applicant asserts that the time between the submission date of December 22, 2006 and the date of reply by the Office, January 9 2007 is 18 days.

Applicant's argument is not deemed persuasive. Specifically, the reduction of 19 days for the submission of the 312-amendment is accurate. See 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10) the reduction begins on the date of the submission of the 312 amendment and ends on the date of the mailing of the notice of allowance and accordingly both the dates of December 22, 2006 and January 9, 2007 are considered days in which applicant failed to engage in reasonable efforts to conclude prosecution of the application. Respectfully, applicants premise of only counting the "number of days between December 22, 2006 and January 9, 2007" is not accurate. Accordingly the correct amount of PTA at the time of the issuance of the patent is 314 days.<sup>2</sup>

After the mailing of this decision, the Office will forward this application to the file repository for storage of the file record.

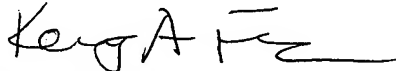
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<sup>1</sup>Patent issued on Feb. 27, 2007.

<sup>2</sup>The Office delayed 333 days pursuant to 37 CFR 1.702(a)(1) and applicant delayed 19 days pursuant to 347 CFR 1.704(c)(10).

The Office has assessed the \$200.00 fee for the filing of this application for Patent Term Adjustment. No additional fees are required.

Any questions concerning this decision should be directed to Kery A. Fries, Senior Legal Advisor, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy at 571-272-7757.

A handwritten signature in black ink, appearing to read "Kery A. Fries", with a stylized flourish at the end.

Kery Fries  
Senior Legal Advisor  
Office of Deputy Commissioner  
for Patent Examination Policy

Day : Friday  
Date : 8/17/2007

Time: 13:45:02

**PALM INTRANET****PTA Calculations for Application: 10/658609**

Application Filing Date:	09/08/2003	PTO Delay (PTO):	333
Issue Date of Patent:	02/27/2007	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	19
Post-Issue Petitions:	0	Total PTA (days):	314
PTO Delay Adjustment:	0		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
71	02/27/2007	PATENT ISSUE DATE USED IN PTA CALCULATION			
70	01/29/2007	EXPORT TO FINAL DATA CAPTURE			
69	01/26/2007	DISPATCH TO FDC			
68	01/26/2007	APPLICATION IS CONSIDERED READY FOR ISSUE			
67	01/26/2007	WORKFLOW - REQUEST FOR RCE - FINISH			
66	01/24/2007	STATEMENT FILED INDICATING A LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS			
65	01/24/2007	ISSUE FEE PAYMENT VERIFIED			
64	01/24/2007	ISSUE FEE PAYMENT RECEIVED			
63	01/24/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
62	01/09/2007	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
61	01/05/2007	RESPONSE TO AMENDMENT UNDER RULE 312			
60	12/22/2006	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		19	62
59	12/06/2006	FINISHED INITIAL DATA CAPTURE			
58	10/30/2006	EXPORT TO INITIAL DATA CAPTURE			
57	10/26/2006	MAIL NOTICE OF ALLOWANCE			
56	10/26/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
55	10/26/2006	MAIL EXAMINER'S AMENDMENT			
54	10/24/2006	ISSUE REVISION COMPLETED			
53	10/24/2006	DOCUMENT VERIFICATION			
52	10/24/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
51	10/24/2006	CASE DOCKETED TO EXAMINER IN GAU			

50	08/24/2006	EXAMINER'S AMENDMENT COMMUNICATION			
49	08/24/2006	NOTICE OF ALLOWABILITY			
48	08/16/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
47	04/24/2006	MAIL NON-FINAL REJECTION			
46	04/20/2006	NON-FINAL REJECTION			
45	03/27/2006	DATE FORWARDED TO EXAMINER			
44	03/24/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
43	03/27/2006	DATE FORWARDED TO EXAMINER			
42	03/24/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
41	03/27/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
40	03/15/2006	MISCELLANEOUS INCOMING LETTER			
39	03/03/2006	MAIL FINAL REJECTION (PTOL - 326)			
38	02/28/2006	FINAL REJECTION			
37	02/17/2006	DATE FORWARDED TO EXAMINER			
36	02/09/2006	RESPONSE AFTER NON-FINAL ACTION			
35	12/23/2005	MAIL NON-FINAL REJECTION			
34	12/19/2005	NON-FINAL REJECTION			
33	05/06/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	11/15/2005	DATE FORWARDED TO EXAMINER			
31	11/07/2005	RESPONSE TO ELECTION / RESTRICTION FILED			
30	10/07/2005	MAIL RESTRICTION REQUIREMENT	333		-1
29	10/03/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
28	09/08/2005	PRELIMINARY AMENDMENT			
27	07/22/2005	PRELIMINARY AMENDMENT			
26	06/28/2005	CASE DOCKETED TO EXAMINER IN GAU			
25	03/19/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
24	03/19/2005	CORRESPONDENCE ADDRESS CHANGE			
23	03/21/2005	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
22	09/08/2003	PRELIMINARY AMENDMENT			
21	05/06/2004	REFERENCE CAPTURE ON IDS			
20	05/06/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

19	01/14/2004	CASE DOCKETED TO EXAMINER IN GAU			
18	11/28/2003	APPLICATION RETURN FROM OIPE			
17	12/01/2003	APPLICATION IS NOW COMPLETE			
16	11/28/2003	PRE-EXAM OFFICE ACTION WITHDRAWN			
15	11/28/2003	APPLICATION RETURN TO OIPE			
14	11/28/2003	APPLICATION RETURN FROM OIPE			
13	11/28/2003	APPLICATION IS NOW COMPLETE			
12	11/28/2003	PRE-EXAM OFFICE ACTION WITHDRAWN			
11	11/28/2003	APPLICATION RETURN TO OIPE			
10	11/28/2003	APPLICATION RETURN FROM OIPE			
9	11/28/2003	APPLICATION IS NOW COMPLETE			
8	11/28/2003	APPLICATION RETURN TO OIPE			
7	11/28/2003	APPLICATION DISPATCHED FROM OIPE			
6	11/28/2003	APPLICATION IS NOW COMPLETE			
5	09/08/2003	PGPUBS NONPUB REQUEST			
4	11/19/2003	CASE CLASSIFIED BY OIPE			
3	11/19/2003	CLEARED BY OIPE CSR			
2	10/02/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/08/2003	INITIAL EXAM TEAM NN			

Search Another: Application#

#### EXPLANATION OF PTA CALCULATION

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